

IN THE UNITED STATES DISTRICT COURT

for the

NORTHERN DISTRICT OF TEXAS

at AMARILLO

STATE OF TEXAS

Plaintiff,

Docket Number

v.

02:21-cv-067-Z

Joseph Biden, Jr., President of the United States, et. al., :
Defendants,

Robert A. Heghmann,

Intervening Plaintiff,

**INTERVENING
PLAINTIFF'S
COMPLAINT**

v.

**Joseph Biden, President of the United States,
Alexandros Mayorkas, Secretary, Department of
Homeland Security, John H. Hayes, Director,
Office of Refugee Resettlement, Rochelle Walensky,
Director, Centers for Disease Control and
Prevention, Francis S. Collins, Director, National
Institute of Health, and Evangelical Immigration
Organizations 1 thru 100,**

JAN 24, 2022

Defendants.

Plaintiff-ROBERT A. HEGHMANN for his Intervening Complaint, alleges as follows:

1. American Immigration Policy is being driven by the Democrat Party's thirst for power, not necessarily what is best for the United States. Why that is this Court's constitutional concern is that the Democrats are pursuing this policy at the price of Genocide and inflicting Crimes against Humanity.
2. The Plaintiff is a citizen of the United States and resides in Georgetown, Texas. This Complaint is based upon personal knowledge, government records, media accounts and public statements by persons with knowledge of the facts set forth herein. Although Latin American EV-D68 Polio (hereinafter "Migrant Polio") has primarily crippled and killed American Children, adults have also ben crippled and died. Therefore, the Plaintiff is a potential target of the Genocide and crime against humanity currently being conducted by the Defendants.
3. This Court has subject matter jurisdiction under the Judiciary Act of 1789, First Congress, Sess. I, Ch. 20, 1789, Sec. 9 (District Court has

cognizance of all causes in violation of the ...Law of Nations or a Treaty of the United States).

4. The Plaintiff brings this action based upon violation of rights guaranteed by the Convention on the Prevention and Punishment of the Crime of Genocide, art. 2, Dec. 9, 1948, 78 U.N.T.S. 277. (hereinafter "CPPCG"). The United States signed the Convention on December 11, 1948 and ratified it on November 25, 1988. As recently as 2004, the Genocide Convention was recognized as the main source of customary international law regarding genocide. The Defendants herein and others to be named later are charged under Article II, Secs (a), (b) and (c). The acts complained of are set forth in Article III, Sec. (a) and (b). Venue in this Court is established in Article VI of the Convention.
5. As an attack on members of a national party, herein the Republican Party, the Crimes against Humanity set forth below have, since 1963, qualified as Genocide. See Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, Article 4 (2) (a) and (b), 25 May 1993.

6. The Plaintiff also brings this action under the Law of Nations or International Law, more particularly the Rome Statute of the International Criminal Court (hereinafter "Rome Statute") which states that the elements of a crime against humanity is commission of any of the enumerated acts when committed as part of a widespread or systematic attack directed against any civilian population. Rome Statute art. 7.1. An "attack directed against any civilian population" is a course of conduct "pursuant to or in furtherance of a State or organizational policy to commit such attack." *Id* art. 7.2(a) Although the United States has not ratified the Rome Statute, it sets standards of International Law which will guide the Court in these proceedings. This Complaint alleges acts of Crimes Against Humanity as set forth in Article 6 (a), (b) and (c) of the Rome Statute and at Article 7 (a), (g), (h) and (k). The civilian population which was the target of the attacks described herein is the American rural and suburban population which, as the Defendants well know, is largely Conservative and Republican.

7. Since the Second World War, the status of individuals under international law has undergone a fundamental change. The revolution in international human rights law has transformed the individual from

"an object of international compassion into a subject of international right." Consequently, individuals are now said to possess substantive international rights vis-a-vis states.

8. The recognition that individuals have rights on the international legal plane is entirely consistent with the emergence of *jus cogens* as peremptory norms of international law. If the starting point of international law is the individual, rather than the absolute sovereignty of states, "the rights and obligations of man under international law receive a foundation independent of the arbitrary will of states." The irreducible element becomes the sovereignty of the individual, not the sovereignty of states.
9. The most fundamental individual rights are embodied in the concept of *jus cogens*. For example, a state policy of genocide, torture, or slavery, some of the worst violations of individual rights, is generally accepted as violating *jus cogens* norms. The nature of these violations make them particularly appropriate for individual enforcement because the individual, injured by an act in violation of a *jus cogens* norm, has a legitimate and fundamental interest in enforcing the norm. Consequently, the position of the individual in international law is intrinsically connected to the enforcement of *jus cogens* norms.

10. Since *jus cogens* is now firmly established under international law, federal courts have jurisdiction to exercise subject matter jurisdiction over suits claiming government officials are violating protected rights under *jus cogens*. This case is invoking that jurisdiction.

11. In this case the intent of the Defendants to continue to engage in Genocide and Crimes against Humanity can be fairly inferred from the intentional actions continued after the initial outbreak of Migrant Polio in the United States in 2014. Instead of discontinuing their actions, the Defendants continued their attacks and conspired to mislead the American People as to the true cause of Polio re-appearing in the United States after the Sabin 1 Vaccine eliminated Polio from the Nation 50 years earlier.

12. Joseph Biden is the President of the United States. He is charged personally and in his capacity as President. As President he is opening America's Southern Border to illegal immigration. He and his progressive deputies are canceling the Remain in Mexico Program, which is also titled the Migrant Protection Protocols. The program was created by President Trump to exclude economic migrants from the U.S. labor market while they wait for asylum judges to hear their claims. The program was a complete success, and it slashed migrant

arrivals from roughly 144,000 in May 2019 to 45,000 in October 2020. Moreover, President Joe Biden signed an executive order that denies state and local governments any authority to reject the drop-off of refugees into their towns and communities. His office is located at 1600 Pennsylvania Avenue, NW, Washington, D.C. 20500.

13. Alexandro Mayorkas is the Secretary of the Department of Homeland Security (hereinafter “DHS”). He is named in his individual and his capacity as Secretary. The Biden administration is actively importing coronavirus cases into our country as Americans work to get back on their feet. The Biden administration is prioritizing illegal aliens entering the country over the safety and welfare of American citizens. Through its misguided and deliberate actions, the Biden administration is actively importing coronavirus cases into our country. The reinstatement of ‘catch and release,’ in which illegal aliens are detained and then quickly released into the country to await their court hearing – which most do not show up for – is not only bad immigration policy, but disastrous public health policy.” A March 2 report by NBC News on Tuesday confirmed that border crossers are testing positive for the coronavirus after being released by DHS officials into the U.S. interior. These Migrants present a clear and

present danger to the Plaintiff and other residents of Texas and the United States. His office is located at 2707 Martin Luther King Jr. Avenue, Washington, D.C.20528

14. John H. Hayes is the Director of the Office of Refugee Resettlement (hereinafter “ORR”) He is charged personally and in his capacity as Director of ORR. His agency has transported thousands of illegal immigrant children and resettled them in suburban and rural communities without public supervision or official government notice. Many of these children carried the strains of polio not blocked by the Sabin 1 Vaccine and, as a result, hundreds of American children have been paralyzed and many died. His office is located at the Mary E. Switzer Bldg., 330 C Street, S.W., Washington, D.C. 20201.

15. Rochelle Walensky is the Director of the Centers for Disease Control and Prevention (hereinafter “CDC”). She is charged personally and in her capacity as Director of the CDC. Since 2013, the CDC has covered up the fact that the Defendants have been bringing migrant children from Latin America into the United States who are infected with two strains of Polio not prevented by the Sabin 1 Vaccine. The CDC actions contributed to the infections and deaths of hundreds of

American children. Her office is located at 1600 Clifton Road, Atlanta, Ga 30329-4027.

16. Francis S. Collins was the Director of the National Institute of Health (hereinafter the "NIH"). He is charged personally. The NIH was a party in the original study by the U.S. Navy Medical Team # 6 in Lima Peru which discovered the additional strains of polio not covered by the Sabin 1 Vaccine and has known about the threat to American citizens since 2013. Since then, the NIH has conspired with the other Defendants to enable them to continue the Genocide by denying the outbreaks of Polio in the United States are connected to the illegal migrant children from Latin America. His office is located at 9000 Rockville Pike, Bethesda, MD 20892.

17. Evangelical Immigration Organizations 1 thru 100 refers to those organizations who allied with the Defendants and acted as agents in disbursing the immigrant illegal alien children who carried the two strains of Polio not prevented by the Sabin 1 Vaccine throughout the United States. They did this knowing this Latin American EV-D68 Polio was crippling and killing American adults and children in rural and suburban America.

18. After being re-elected in 2012 President Obama began to plan a new wave of illegal immigration from Central America. The Goal was to flood Red States with immigrants, both legal and illegal, and use immigration to turn Red States Blue. Due to enhanced economic opportunities, Mexicans were no longer looking to flee to the United States, therefore, the Democratic Party had to look further south for the next wave of immigration.

19. Before opening the flood gates, the Department of Defense commissioned the U.S. Navy Medical Research Unit # 6, Lima Peru to do a study of the various viruses the new arrivals would bring with them. That study was completed in 2013 and titled Human Rhinoviruses and Enteroviruses in Influenza-like illness in Latin America.

20. Among other findings, the study found children in Latin America carry an Enterovirus designated EV -D68 which contains, “two polioviruses related to the Sabin-1 polio vaccine strain.” In other words, young children coming from Latin America are carrying two strains of poliovirus related to but not necessarily blocked by the Sabin 1 polio vaccine. After this study was done, Medical Unit # 6 asked for funding to do a follow up study on the Polio strains but that request was denied.

21. Since 2014 the Obama Biden Administration and the Defendants knew illegal immigrant children from Latin America were carrying strains of Polio from which American children are not protected. Nevertheless, they did nothing to stop the illegal immigration. Not only did the Obama Biden Administration not work to prevent children carrying these two strains of deadly virus from entering the U.S., Obama approved a plan to allow children in Central America to apply for Refugee Status thus enhancing their chance of entering the country
22. As a result, there were major outbreaks of the new Migrant Polio in 2014, 2016 and 2018. As the new major outbreaks of Polio swept the Nation, questions began to be raised as to whether the CDC was hiding the Enterovirus Link to Illegal Alien Kids. Business Daily published an editorial on October 17, 2014 raising that very issue. But this accusation did not only come from IBD.
23. Despite the knowledge of the Obama Biden Administration, the Navy and the NIH, the CDC denied the Polio outbreak connection to Illegal Alien Kids. Instead of calling it Polio, the CDC invented a new virus name, Acute Flaccid Myelitis or AFM. In its denial the CDC stated that “we are not aware of any of these children (illegal alien children)

testing for the virus” thus totally denying the Naval Medical Unit # 6 study.

24. The CDC has two tricks it uses to support its denial. First it points out that EV - D68 first appeared on the West Coast in 1962. That is correct. Several persons became ill from D68 which probably originated on the Pacific Rim and was brought to the U.S. by a few travelers. What the CDC does not reveal is that a study similar to the one done on Latin American D68 was done on the California D68. That study which will be submitted to the Court at a later date did not reveal any strains of Polio.
25. Secondly, the CDC asks for specimens of the stool of children suffering from AFM. The stool samples are then tested for the strains of Polio previously found in the U.S. When the tests reveal no Polio virus, the CDC offers it as proof Latin American EV D68 is not the cause. What it does not reveal is that no one has ever contended that Latin American EV D68 was contained in the stool. Navy Medical Unit # 6 collected the specimens of Latin American EV D-68 from sinus swabs. The Unit never tested any stool. Thus, there is no evidence analyzing stool samples will reveal any link between Latin American D-68 and AFM.

26. The first formal link between childhood paralysis and D-68 was published by the University of California at San Francisco on March 30, 2015. Since then, numerous scientific and medical studies have linked AFM and D68. The ultimate study came on February 26, 2018 when a team of doctors and scientists from the U.S. and Europe concluded that EV-D68 is the most likely cause of AFM. Since then, two studies in 2019 confirmed that D68 is the cause of the new waves of Polio in the United States. Thus, we have four (4) scientific studies confirming that D68 is the cause of Polio in the United States. There really is no question that immigrant children from Latin America are carrying D-68 and Polio and that this D-68 is the cause of AFM and Polio in the U.S.

27. Nevertheless, as recently as October 16, 2018 the CDC (perhaps in response to the 2018 American and European study) published an article titled CDC Investigates Cases of Rare Neurological “Mystery Illness” in Kids.. In the article, Dr. Nancy Messonnier, then Director of the CDC, expressed the CDC’s “frustration” that “we haven’t been able to identify the cause of this (AFM) mystery illness.” As of November 26, 2018, the CDC had confirmed 116 cases of AFM (likely

a fraction of the true number) in 31 states. Of these 14 confirmed cases are in Texas.

28. President Trump's efforts on the Southern Border have slowed the growth of Polio in the U.S. The CDC confirms this in its report on new cases of AFM reported to the CDC in 2020 thereby confirming the link between illegal immigrant children and the outbreaks of Polio in the United States. But with Biden prepared to reverse the Trump initiatives along the Southern Border, we can expect an explosion in new cases in the U.S. and Texas unless this Court prevents Biden from re-opening the Southern Border to illegal immigration.

29. In addition to Polio, the Biden Administration is also committing Crimes against Humanity by importing a deadly form of Covid-19 into Texas and other states as part of its Immigration Policies. Media accounts have reported as follows:

Miriam Izaguirre, a 35-year-old asylum-seeker from Honduras, crossed the Rio Grande at dawn Monday with her young son and turned herself in to the authorities.

A few hours later she was released, and the first thing she did was take a rapid test for Covid-19 at the Brownsville bus station. They told her her test came out positive.

Several of the asylum-seekers who tested positive told Noticias Telemundo Investigation they were planning to leave Brownsville for their destinations; one of them bought a bus ticket for the journey. Eva Orellana, 29, who is from Honduras and who tested positive, said she

was going to take the bus to North Carolina with her 3-year-old daughter. “On the way, we were wearing a mask all the time, gel, washing our hands,” she said. “Really, I don’t feel anything.”

The *New York Post* reported March 3:

Felipe Romero, a spokesman for the border city of Brownsville, told Fox News that they are telling the migrants who tested positive to follow Centers for Disease Control and Prevention guidelines to quarantine and maintain social distance, but that Brownsville doesn’t have the authority to stop them from traveling to the rest of the country.

He said the 108 positives account for 6.3 percent of the total migrants who received rapid tests at the city’s main bus terminal, a program that began on Jan. 25.

Ms. Izaguirre and her son not only represent the threat of Covid-19 but they also represent the threat of Polio.

COUNT I

Genocide

Joseph Biden, Members of the Obama/ Biden Administrations and Government Officials at the ORR

1. The Plaintiff herein incorporates and re-alleges the allegations contained in paragraphs 1 through 29 hereof.
2. The Defendants and others have transported thousands of illegal immigrant children throughout the United States without medical examination. They did this knowing that these children carried two strains of Polio not prevented by the Sabin 1 Vaccine and therefore they are guilty of Genocide.

COUNT II

Conspiracy to Commit Genocide

Government Officials at the CDC and NIH

3. The Plaintiff herein incorporates and re-alleges the allegations contained in paragraphs 1 through 29 hereof.
4. The Defendants and others have conspired to prevent the American People from learning that illegal immigrants from Latin America are carrying strains of Polio not prevented by the Sabin Vaccine and that these children are the cause of Polio outbreaks in America in 2014, 2016 and 2018. These co-conspirators are guilty of Genocide.

COUNT III

Aiding and Abetting the Commission of Genocide

Evangelical Immigration Organizations

5. The Plaintiff herein incorporates and re-alleges the allegations contained in paragraphs 1 through 29 hereof.
6. The Defendants have aided and abetted the commission of genocide and are therefore as guilty as the state principals for the genocide.

COUNT IV

Crimes against Humanity

The Department of Homeland Security and ORR

7. The Plaintiff herein incorporates and re-alleges the allegations contained in paragraphs 1 through 29 hereof.
8. The DHS and ORR are guilty of Crimes Against Humanity by bringing into Texas and the United States Illegal Immigrants carrying the Covid-19 virus at a time when only a small fraction of the U.S. Population (less than 50% at the time this Intervening Complaint was filed) has been vaccinated and the Nation is still considered in the grip of a Pandemic.
9. This bringing Illegal Aliens from Latin America who are carrying Covid 19 into the United States and then distributing them to Red States and Red Counties in Blue States constitutes a crime against Humanity and genocide.

WHEREFORE, the Plaintiff demands:

- That this Court ORDER President Biden to continue the Programs and Policies adopted by President Trump, including but not limited

to completing the Wall along the Southern Border, to limit or end illegal immigration along the Nation's Southern Border,

- That this Court Order the Defendants to stop transporting illegal immigrants throughout the United States,
- That this Court sentence any Defendants found guilty of Genocide, or of conspiracy to commit Genocide or aiding and abetting in the commission of genocide and crimes against humanity in accordance with International Law including sentencing the most damaging defendants to long prison sentences and, in some cases, death by hanging.
- Preliminary and permanent injunctions against further violations of the CPPCG and crimes against humanity as defined in the Rome Statute, and
- Such other relief as the Court deems necessary.

The Plaintiff,

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CERTIFICATE OF SERVICE

I certify that, on January 24, 2022, I mailed a copy of this Motion to the Court and caused service of this this Motion through the CM/ECF upon the Defendants and the Plaintiffs.
